

**From:** Nicholas Spies  
**To:** microsoft.atr(a)usdoj.gov  
**Date:** 11/21/01 5:12pm  
**Subject:** Microsoft Settlement

Dear Sirs:

(This supercedes another note I sent earlier today (21 Nov 01) to the main DOJ email address.)

The settlement, or at least the penalty aspect of it as reported in the press (i.e. Microsoft to give needy schools \$1B of computers and software) is utterly inappropriate, even laughable, considering the economic havoc that Microsoft's business practices have wrought. Indeed, this "punishment" or "act of contrition" is simply anyother way for Microsoft to increase its monopoly, and assure itself of more repeat customers!

If this offer is NOT part of the DOJ's Proposed Settlement, but a public relations ploy by Microsoft, the following stipulations should, in my opinion, be added to the Settlement for the reasons detailed.

Microsoft, whether or not mandated by the DOJ to dontate computers to schools, should only be allowed to do so by purchasing and donating Apple MacIntosh (or other Apple ) computers, with an appropriate Apple OS and, optionally, Microsoft software applications, to the schools. This would help to strengthen Apple's position in the market, which has historically been strong in the educational sector, and punish Microsoft more justly.

This would have an immediate, concrete effect in levelling the playing field, if only slightly, while yeilding some monetary compensation for what may well be \$100M+ in direct and collateral damages in the form of reduced productivity for computer users, losses to investors in businesses crushed by MS, lossage of work due to the notoriously unstable behavior of Microsoft's products, and even the seemingly trivial cost of having the Windows logo displayed for a couple of extra seconds, just for promotional purposes, every time a Windows computer is booted; cumulative wasted time must run into man-centuries!

Most importantly, it would give students and teachers at needy schools a much better solution to their needs, and a far better base on which to build an infrastructure for educational computing facilities. For, by practically any measure, Apple's computers have always, and continue to be, easier to use, interconnect, and administer than Microsolf's platforms.

While this may sound "contraversial" at first, it seems to me that Microsoft should be penalized where it counts, while redressing some of the damage it's monopolistic practices have done to the company that originated, and made affordable, user-friendly personal computing (Apple).

Why reward Apple and not Xerox, Sun, Silicon Graphics, etc? Because Apple has survived and thrived as the only reasonable, and affordable personal computer, and, if

secondary schools are to receive this windfall, Apple is already well-established in this area. Also, Apple computers are more compatible with Microsoft products out of the box than Windows is with anything but Windows. If Atari, TI, Tandy, or Commodore hadn't been driven from the market by the hegemony of Wintel (Windows running on Intel processors), there would be real choices other than Apple.

Finally, the Government has an opportunity to emphasize that diversity of computer architectures is as important as diversity of operating systems.

I sincerely hope that this will be given consideration and that you will reply.

Thank you.

Sincerely,

Nicholas Spies  
843 East Poplar Street  
Coatesville, PA 19320-3346

610-383-9072